

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES JEFFREY SLAUGHTER

Defendant-Appellant.

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UNPUBLISHED  
February 28, 2008

No. 277051  
Grand Traverse Circuit Court  
LC No. 05-009689-FH

Before: Whitbeck, P.J., and Jansen and Davis, JJ.

MEMORANDUM.

Defendant pleaded guilty to desertion and non-support, MCL 750.161. He initially received a delayed sentence, but when he failed to comply with the obligations imposed, he was sentenced to 24 to 36 months in prison. He now appeals his sentence as of right, and we affirm. This appeal is being decided without oral argument. MCR 7.214(E).

Defendant argues that trial court erred when it imposed a sentence of imprisonment that exceeded the sentencing guidelines range of 5 to 23 months without providing substantial and compelling reasons for doing so. Defendant also argues that his sentence was disproportionate. It is true that a trial court may depart from the established sentencing guidelines only if it has a substantial and compelling reason to do so, and clearly articulates that reason on the record. MCL 769.34(3). However, our Supreme Court has held that a sentence that exceeds the sentencing guidelines satisfies the requirements of MCL 769.34(3) when the record confirms that the sentence was imposed as part of a valid plea agreement. *People v Wiley*, 472 Mich 153, 154; 693 NW2d 800 (2005). “Under such circumstances, the statute does not require the articulation of additional ‘substantial and compelling’ reasons by the sentencing court.” *Id.* Indeed, “a defendant waives appellate review of a sentence that exceeds the guidelines by understandingly and voluntarily entering into a plea agreement to accept that specific sentence.” *Id.*

Defendant’s contention that the trial judge based defendant’s sentence on a “non-existent” sentencing agreement is undermined by the trial judge’s unequivocal reference to the plea agreement as a sentence agreement. Defendant was clearly apprised of the ramifications of accepting the terms of his plea bargain. Specifically, the sentencing judge warned him that the sentencing guidelines would be irrelevant if he violated the terms of his plea agreement. The trial court also specifically told defendant that if he failed to perform his obligations under the agreement to delay sentence, he would be sentenced to the “maximum term of confinement in the state prison.” Defendant repeatedly acknowledged that he understood this agreement at the

time he made his plea. The trial court was therefore not required to articulate substantial and compelling reasons for imposing the sentence that it did. *Id.* Nor may defendant now complain that his sentence was disproportionate. See *People v Cobbs*, 443 Mich 276, 285; 505 NW2d 208 (1993).

Affirmed.

/s/ William C. Whitbeck

/s/ Kathleen Jansen

/s/ Alton T. Davis